

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

David N. Rogers,

Plaintiff,

v.

Case No. 2:15-cv-2441

City of Zanesville, et al.,

Defendants.

ORDER

By order filed on November 18, 2015, plaintiff was directed to effect service on the defendants or to show cause why this action should not be dismissed pursuant to Fed. R. Civ. P. 4(m) for failure to timely effect service of process. On November 30, 2015, plaintiff filed a response consenting to the dismissal of this matter without prejudice. This matter is now before the court on the December 1, 2015, report and recommendation of the magistrate judge recommending that this case be dismissed without prejudice pursuant to Rule 4(m) for failure to timely effect service of process.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days of the report would result in a "waiver of the right to de novo review by the District Judge and waiver of the right to appeal the judgment of the District Court." Doc. 8, p. 2. The time period for filing objections to the report and recommendation has expired, and no objections have been filed.

Accordingly, the court adopts the report and recommendation (Doc. 8). This action is hereby dismissed without prejudice

pursuant to Rule 4(m) for failure to timely effect service of process.

Date: December 28, 2015

s/James L. Graham
James L. Graham
United States District Judge